IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 23RD AUGUST 2006 / 1ST BHADRA 1928

Bail Appl..No. 5049 of 2006

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CMP.7929/2006 of J.M.F.C.-I, KOLLAM
CRIME NO. 138/2006 OF EAST KALLADA POLICE STATION

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PETITIONER/ACCUSED

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MADHU @ COMPUTER, S/O.SEBASTIAN,
KOCHUTHOPPIL VEEDU, NENMENI KIZHAKKUMURI,
MANTROTHURUTH VILLAGE.

BY ADV. SRI.P.A.NOOR MUHAMMED
SRI.C.K.PRASAD

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, EAST KALLADA,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 5049/2006**

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**DATED THIS THE 23RD DAY OF AUGUST, 2006**

## O R D E R

The petitioner is before this Court, under Section 439 Cr.P.C., as the petitioner is accused of the offence punishable under Section 8(1) & (2) of the Abkari Act. The petitioner was found in illegal possession of three liters of illicit arrack on 26.7.2006 and he was arrested on the next day.

2. When the application came up for consideration, the learned Public Prosecutor submitted that there are two other cases, registered against the petitioner, under the Abkari Act. In such situation, the petitioner is not entitled for bail, because of the operation of Section 41A of the Abkari Act. Hence, I dismiss this application.

3. However, I make it clear that the petitioner will be at liberty to move an application for bail at the

appropriate time, resorting to the statutory benefit, that may be available under the Criminal Procedure Code.

**J.M.JAMES**
**JUDGE**

mrcs